

PATENT

Attorney Docket No. A-71259/DJB/VEJ
Application No. 10/030,331**REMARKS**

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendments, claims 1-54 are pending in the application, with claims 1 and 27 being the independent claims. No claims are presently amended. Because the foregoing changes introduce no new matter, their entry is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Specification

The Examiner made objections to the specification based on a lack of headings. Applicant respectfully submits that the Examiner's objection to the specification is overcome by the accompanying amendment thereto.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 17, 25, 43 and 51 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Applicant respectfully traverses the Examiner's rejection of claims 17 and 43. Support for "structure which are connected to nodes for which the product has exceeded a predetermined threshold" is found in the originally filed application on page 3, and in greater detail on pages 15 to 20.

Applicant respectfully traverses the Examiner's rejection of claims 25 and 51. Support for "term weight pairs" is found throughout the originally filed application, and in greater detail in the last paragraph of page 20.

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Application No. 10/030,331***Rejections under 35 U.S.C. § 103******Claims 1-11, 13, 14, 27-37, 39 and 49***

The Examiner has rejected claims 1-11, 13, 14, 27-37, 39 and 49 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,737,734 to Shultz ("the Shultz patent") and U.S. Patent No. 6,847,966 to Sommer et al. ("the Sommer patent").

Independent claim 1 calls for a search system including, *inter alia*, (i) query means to generate a query vector including weights, and (ii) index means responsive to the query vector to output at least one index to data in response to said query. Similarly, independent claim 27 calls for search engine including, *inter alia*, (i) a query analyser to generate a query vector including weights, and (ii) an index network responsive to the query vector to output at least one index to data in response to the query.

As indicated by the Examiner, the Schultz patent fails to disclose "[means to] generate a query vector¹ including said weights, index means responsive to said query vector ot output at least one index to data in response to said query" (footnote omitted). *See* Office Action, page 5, section 6. The Examiner relies on the Sommer patent to account for the deficiencies of the Sommer patent. Applicants respectfully submit, however, that the Sommer patent does not qualify as prior art.

The present application is a U.S. National Stage application of International Application No. PCT/AU00/00797 filed under 35 U.S.C. § 371. Accordingly, the filing date of the present application is the filing date of the International Application, that is, June 30, 2000. *See* M.P.E.P. § 1893.03(b). As the application that matured into the Sommer patent was not filed until April 24, 2002, well after the filing date of the present application, the Sommer patent does not qualify as prior art under 35 U.S.C. § 102(e). As the Sommer patent published later still, it also fails to qualify as prior art under 35 U.S.C. §§ 102(a) and 102(b). As such, the Summer patent does not qualify as prior art, and thus cannot be relied upon in making a rejection under 35 U.S.C. § 103.

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For at least these reasons, Applicant respectfully submits that the Shultz patent and the Sommer patent, taken individually or combined, do not teach, suggest, nor render obvious independent claims 1 and 27. Applicant submits that claims 2-11, 13, 14, 28-37, 39 and 49, which depend directly or indirectly from either claim 1 or claim 27, are allowable over the cited art for at least the same reasons noted above.

Claims 12, 15-26, 38 and 41-54

The Examiner has rejected claims 12, 15-26, 38 and 41-54 under 35 U.S.C. § 103 as being unpatentable over the combination of the Shultz and Sommer patents in further combination with U.S. Patent No. 6,081,774 to Hita et al. ("the Hita patent").

Independent claims 1 and 27 call for, *inter alia*, (i) query means to generate a query vector including weights, and (ii) index means responsive to the query vector to output at least one index to data in response to said query. As noted above, the Schultz patent fails to disclose such features and the Sommer patent fails to qualify as prior art.

The Hita patent does not disclose (i) means for generating a query vector including weights, or (ii) index means responsive to said query vector to output at least one index to data in response to said query. This is exemplified by the Examiner's reliance on another reference instead of the Hita patent to provide teachings of such features.

For at least these reasons, Applicant respectfully submits that the Shultz, Sommer and Hita patents, taken individually or combined, do not render obvious independent claim 1, 27. Applicant submits that claims 12, 15-26, 38, and 41-54, which depend directly or indirectly from claim 1 or claim 27, are allowable over the cited art for at least the same reasons noted above.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action

AMENDMENT AND REPLY

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and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-2319 (Order No. 461124-00022; Docket No. A-71259/DJB/VEJ).

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

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Date: August 31, 2005By: 

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